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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00053 DAE
)	
Plaintiff,)	ORDER GRANTING DEFENDANT'S
)	ORAL MOTION CONTINUING TRIAL
vs.)	
)	
SILVER JOSE GALINDO,)	
(a.k.a. DANIEL S. GALINDO))	
(a.k.a. TIMOTHY MAU))	OLD TRIAL DATE: 06/05/2007
)	NEW TRIAL DATE: 07/10/2007
Defendant.)	
_____)	

ORDER GRANTING DEFENDANT'S ORAL MOTION CONTINUING TRIAL

The matter of the defendant SILVER JOSE GALINDO's, a.k.a. DANIEL S. GALINDO and TIMOTHY MAU, oral motion to continue the trial was heard on May 4, 2007 before the Honorable Magistrate Judge Barry M. Kurren. The defendant was present with his appointed counsel Jack Schweigert, and AUSA Darren W.K. Ching was present on behalf of the United States.

The Court heard the representations of counsels, and heard no objection from the defendant. Accordingly, the Court grants the defendant's request to continue the trial. This additional time will allow for appointed counsel for the defendant time to prepare for the Third Superseding Indictment so as to effectively represent the defendant and promoting the defendant's right to a fair trial.

IT IS HEREBY ORDERED that the defendant's oral motion to continue trial is GRANTED.

IT IS FURTHER ORDERED that the jury trial presently scheduled for June 5, 2007, at 9:00 a.m., be continued to July 10, 2007, at 9:00 a.m., before District Court Judge David A. Ezra. The final pretrial conference will be held June 12, 2007 at 2:00 p.m. before Magistrate Court Judge Leslie E. Kobayashi. Defense motions are due on May 22, 2007, and the Government's responses are due on June 5, 2007.

IT IS FURTHER ORDERED that the time period beginning and including June 5, 2007, to and including July 10, 2007, be excluded from the computations required by the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court bases this finding on the fact that the defendant's appointed counsel needs time to adequately prepare for trial to

the Third Superseding Indictment and that failure to grant the continuance would unreasonably deny the defendant continuity of counsel and would further deny the defendant the reasonable time necessary for effective preparation, taking into account due diligence.

IT IS SO ORDERED:



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: May 11, 2007

APPROVED AS TO FORM:

/s/ Jack Schweigert
JACK SCHWEIGERT, Esq.
Attorney for Defendant
SILVER JOSE GALINDO

United States v. SILVER JOSE GALINDO
Cr. No. 04-00053 DAE
"Order Granting Defendant's
Oral Motion to Continue Trial"